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| 10/090,697 | 03/04/2002 | Sanjay S. Singal | 62357-8010.US01 | 4790 |
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| PERKINS COIE LLP P.O. BOX 2168 MENLO PARK, CA 94026 | | | EXAMINER EKPO, NNENNA NGOZI | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/090,697 | Applicant(s) SINGAL ET AL. | |
| | Examiner Nnenna N. Ekpo | Art Unit 2623 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 26 and 27 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/04/2002 & 12/14/2007</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on September 04, 2002 and December 14, 2007 has been considered by the examiner (see attached PTO-1449 form).

Claim Objections

2. **Claims 3, 4 and 11** are objected to because of the following informalities:

a) **On line 2 of claims 3 and 4**, delete “a” and add --said-- or --the-- before “client computer” since this is not the first time client computer is being mentioned.

b) **On line 4 of claim 11**, delete “a” and add --said-- or --the-- before “client computer” since this is not the first time client computer is being mentioned.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-11 and 26-27 are rejected under 35 U.S.C. 101 because the claimed inventions are directed to non-statutory subject matter.

Claims 1-11 and 26-27 are directed to a file format and signal that are neither a process (“actions”), machine, manufacture nor composition of matter (i.e., a tangible “thing”) and therefore does not fall within one of the four statutory categories of §101. Rather, “signal” is a form of energy, in the absence of any physical structure or tangible material.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 2, 7, 8, 26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922) in view of Fleischman (U.S. Patent No. 6,507,847).

Regarding **claims 1 and 26**, Srivastava et al. discloses a file format for distributing media content from a server computer to a client computer in the form of a transfer file, the file format comprising:

a header section, said header section including media type information (title of the media) (see cited portion, but not limited to col. 5, lines 24-26, col. 6, line 1, table on cols. 5 and 6), bit rate information describing a bit rate at which a media asset plays out on the client computer (bit rate of the media in bits/second) (see cited portion, but not limited to table on cols. 5 and 6), information indicating the time duration of the media asset (duration in seconds of the media) (see cited portion, but not limited to table on cols. 5 and 6), and size information for various portions of the transfer file (size of the media) (see cited portion, but not limited to table on cols. 5 and 6).

However, Srivastava et al. fails to specifically disclose an asset metadata section, said asset metadata section including a source host name, a source asset

identifier, and a value indicating a number of plays of the media asset can be played out on the client computer.

Fleischman discloses an asset metadata section, said asset metadata section including a source host name (source) (see cited portion, but not limited to col. 3, lines 3-5), a source asset identifier (indexes) (see cited portion, but not limited to col. 2, line 67-col. 3, lines 1-3), and a value indicating a number of plays of the media asset can be played out on the client computer (history) (see cited portion, but not limited to col. 3, lines 61-65).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Srivastava et al.'s invention with the above mentioned limitation as taught by Fleischman for the advantage of maintaining a history database.

Regarding **claims 2 and 27**, Srivastava et al. and Fleischman discloses everything claimed as applied above (see *claims 1 and 26*). Srivastava et al. discloses the file format further comprising media content, said media content including the media asset described by the header section (title of the media) (see cited portion, but not limited to col. 5, lines 24-26, col. 6, line 1, table on cols. 5 and 6) and the asset metadata section (see cited portion, but not limited to col. 1, lines 62-col. 2, lines 7).

Regarding **claims 7 and 8**, Srivastava et al. and Fleischman discloses everything claimed as applied above (see *claims 1 and 2*). Srivastava et al. discloses

the file format wherein the media content comprises a movie and the user metadata includes a director name (director of the movie) (see cited portion, but not limited to table on cols. 7 and 8), plot synopsis (summary) (see col. 2, lines 56-65), and actor names (movie cast, names of the performers in the movie) (see cited portion, but not limited to table on cols. 7 and 8).

6. **Claims 3-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922) and Fleischman (U.S. Patent No. 6,507,847) as applied to *claims 1 and 2* above, and further in view of Baer et al. (U.S. Patent No. 6,035,303).

Regarding **claims 3 and 4**, Srivastava et al. and Fleischman discloses everything claimed as applied above (*see claims 1 and 2*). However, Srivastava et al. and Fleischman fail to specifically disclose the file format further comprising a signature that identifies the file format to a client computer.

Baer et al. discloses the file format further comprising a signature that identifies the file format to a client computer (see cited portion, but not limited to col. 5, lines 8-17).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Srivastava et al. and Fleischman's invention with the above mentioned limitation as taught by Baer et al. for the advantage of identifying the client computer.

Regarding **claims 5 and 6**, Srivastava et al. and Fleischman discloses everything claimed as applied above (*see claims 1 and 2*). However, Srivastava et al. and Fleischman fail to specifically disclose the file format further comprising a user metadata section, said user metadata including information that can be presented to a user.

Baer et al. discloses the file format further comprising a user metadata section, said user metadata including information that can be presented to a user (see cited portion, but not limited to col. 4, lines 54-col. 5, line 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Srivastava et al. and Fleischman's invention with the above mentioned limitation as taught by Baer et al. for the advantage of a user to view and review the metadata content.

7. **Claims 9 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922) and Fleischman (U.S. Patent No. 6,507,847) as applied to *claim 2* above, and further in view of Oguz et al. (U.S. Patent No. 6,771,703).

Regarding **claim 9**, Srivastava et al. and Fleischman discloses everything claimed as applied above (*see claim 2*). However, Srivastava et al. and Fleischman fail to specifically disclose the file format wherein the media content is presented in an MPEG format and the header section specifies a fast forward/rewind file size.

Oguz et al. discloses the file format wherein the media content is presented in an MPEG format and the header section specifies a fast forward/rewind file size (see cited portion, but not limited to col. 31, lines 42-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Srivastava et al. and Fleischman's invention with the above mentioned limitation as taught by Oguz et al. for the advantage of fast forwarding or rewinding a multimedia content.

Regarding **claim 10**, Srivastava et al. and Fleischman discloses everything claimed as applied above (*see claim 2*). However, Srivastava et al. and Fleischman fail to specifically disclose the file format wherein the media content is presented in an MPEG format and the header section specifies an index file size.

Oguz et al. discloses the file format wherein the media content is presented in an MPEG format and the header section specifies an index file size (see cited portion, but not limited to col. 33, lines 27-38).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Srivastava et al. and Fleischman's invention with the above mentioned limitation as taught by Oguz et al. for the advantage of identifying a multimedia content.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922) and Fleischman (U.S. Patent No.

6,507,847) as applied to *claim 1* above, and further in view of Baer et al. (U.S. Patent No. 6,035,303) and Oguz et al. (U.S. Patent No. 6,771,703).

Regarding **claim 11**, Srivastava et al. and Fleischman discloses everything claimed as applied above (*see claim 1*). Srivastava et al. discloses the file format further comprising media content, said media content including the media asset described by the header section (title of the media) (see cited portion, but not limited to col. 5, lines 24-26, col. 6, line 1, table on cols. 5 and 6) and the asset metadata section (see cited portion, but not limited to col. 1, lines 62-col. 2, lines 7), the media content comprises a movie and the user metadata includes a director name (director of the movie) (see cited portion, but not limited to table on cols. 7 and 8), plot synopsis (summary) (see col. 2, lines 56-65), and actor names (movie cast, names of the performers in the movie) (see cited portion, but not limited to table on cols. 7 and 8).

However, Srivastava et al. and Fleischman fail to specifically disclose a signature that identifies the file format to a client computer; a user metadata section, said user metadata including information that can be presented to a user; the media content is presented in an MPEG format and the header section specifies a fast forward/rewind file size.

Baer et al. discloses a signature that identifies the file format to a client computer (see cited portion, but not limited to col. 5, lines 8-17); a user metadata section, said user metadata including information that can be presented to a user (see cited portion, but not limited to col. 4, lines 54-col. 5, line 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Srivastava et al. and Fleischman's invention with the above mentioned limitation as taught by Baer et al. for the advantage of a user to view and review the metadata content.

However, Srivastava et al., Fleischman and Baer et al. fail to specifically disclose the media content is presented in an MPEG format and the header section specifies a fast forward/rewind file size.

Oguz et al. discloses the file format wherein the media content is presented in an MPEG format and the header section specifies a fast forward/rewind file size (see cited portion, but not limited to col. 31, lines 42-55).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Srivastava et al., Fleischman and Baer et al.'s invention with the above mentioned limitation as taught by Oguz et al. for the advantage of fast forwarding or rewinding a multimedia content.

Citation of Pertinent Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Terheggen (U.S. Publication No. 2002/0073079) discloses metadata items like source, author etc.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NNE/nne
April 18, 2008.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2623

